

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

JAE LYNN MCLERAN,)	
)	
Plaintiff,)	
v.)	Case No. CIV-24-181-GLJ
)	
MICHELLE A. KING,)	
Acting Commissioner of the Social)	
Security Administration,¹)	
)	
Defendant.)	

OPINION AND ORDER

Claimant, Jae Lynn McLeran, was the prevailing party in this action under the Social Security Act. Claimant seeks an award of attorney’s fees in the amount of \$9,301.40 for 35.4 hours of attorney time and 3.2 hours of paralegal time pursuant to the Equal access to Justice Act, 28 U.S.C. § 2412(d) [Docket No. 22], as well as costs in the amount of \$405.00 for reimbursement of the filing fee, pursuant to 28 U.S.C. § 1920 [Docket No. 23]. The Commissioner has no objection to the fee award or the application for reimbursement of costs [Docket No. 24].

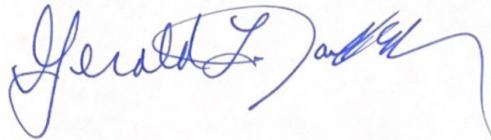
Upon review of the record herein, the Court finds that the agreed amount is reasonable, and that the Commissioner should be ordered to pay it to Claimant as the prevailing party herein. *See* 28 U.S.C. § 2412(d)(1)(A) (“Except as otherwise specifically provided by statute, a court shall award to a prevailing party other than the United States

¹ On January 20, 2025, Michelle A. King became the Acting Commissioner of Social Security. In accordance with Fed. R. Civ. P. 25(d), Ms. King is substituted for Carolyn W. Colvin as the Defendant in this action.

fees and other expenses, in addition to any costs awarded pursuant to subsection (a), incurred by that party in any civil action (other than cases sounding in tort)[.]”); *see also Manning v. Astrue*, 510 F.3d 1246, 1251 (10th Cir. 2007) (“The EAJA therefore permits attorney’s fees reimbursement to financially eligible prevailing parties, who make a proper application, and not to their attorneys.”).

Accordingly, IT IS ORDERED that Claimant’s Application for Award of Attorney’s Fees under the Equal Access to Justice Act [Docket No. 22], and Claimant’s Application for Reimbursement of Costs and/or Expenses under the Equal Access to Justice Act and 28 U.S.C. § 1920 [Docket No. 23] are hereby GRANTED. The Government is hereby ordered to pay the above-referenced amounts to Claimant as the prevailing party herein. IT IS FURTHER ORDERED that if Claimant’s attorney is subsequently awarded any fees pursuant to 42 U.S.C. § 406(b)(1), said attorney shall refund the smaller amount of such fees to the Claimant pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

DATED this 11th day of February, 2025.



GERALD L. JACKSON
UNITED STATES MAGISTRATE JUDGE